



United States
Department of
Agriculture

Rural Development
Rural Business -
Cooperative Programs
Rural Housing Programs
Rural Utilities Programs

VA AN No. 425 (1901-E,1930-C)
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August 28, 2003

SUBJECT: Program Accessibility Review
(Section 504/Rehabilitation Act of 1973)

TO: Program Directors
Rural Development Managers

PURPOSE/INTENDED OUTCOME:

Section 504 of the Rehabilitation Act requires that a program accessibility review (self evaluation) be conducted by all Rural Housing Service (MFH & CF) and Rural Utilities Service borrowers. If needed, a transition plan is to be developed. The purpose of this AN is to provide guidance for field office personnel to insure that borrowers are fully aware of the responsibility in implementing this requirement.

COMPARISON WITH PREVIOUS AN:

This replaces Virginia AN No. 375 that expired on May 17, 2003.

IMPLEMENTATION RESPONSIBILITIES:

In accordance with the Department regulations 1901-E and 1930-C enforcing Section 504 of the Rehabilitation Act, borrowers are required to conduct self evaluations to determine if there are any physical barriers which may prevent mobility impaired persons from having full access to the facility and to identify methods for eliminating those barriers. Once identified, nonstructural barriers should be immediately removed. In the case of more permanent structural barriers, a transition plan is to be developed establishing time frames for the removal of the structural barriers.

Accessibility Issues differ depending upon the following:

- 1.) Type of Program – Dependent upon if it is commercial, health related or residential.
- 2.) Date of occupancy or construction – Multi-family housing complexes built after June 1982 should meet Uniform Federal Accessibility Standards (UFAS) with at least five (5%) percent or one apartment (whichever is greater) of the units being fully accessible. For

EXPIRATION DATE: August 28, 2004

FILING INSTRUCTION:
Preceding RD Instructions 1901-E &
1930-C

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example, in a 48 unit complex, there must be three fully accessible units which equates to 6.25 percent. If only two units were accessible it would not be in compliance. The percentage would only be 4.2 percent. In other words, you must round up to the next whole unit to maintain at least 5 percent. Additionally, multi-family housing complexes built after March 1991 must also comply with HUD Accessibility Guidelines.

3.) Type of Ownership – Title II of the Americans with Disabilities Act (ADA) applies to public bodies while Title III (Public Accommodating) applies to private entities.

4.) The ADA, Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act may apply, in some degree, to the same facility in evaluating accessibility issues. Each of these laws utilize different accessibility standards. Additionally, all common areas of all projects and facilities, regardless of age, must, to the extent possible, be accessible and usable by persons with disabilities.

Due to the multiplicity of factors that are required to be considered when conducting self evaluations, borrowers must conduct these reviews with the assistance of persons or organizations who are knowledgeable about accessibility issues. In addition to reviewing structural barriers, policies and procedures must be reviewed. A self evaluation must contain the following information:

- A list of the interested persons consulted
- A description of the areas examined and any problems that were identified
- A description of any modifications made and any remedial steps taken.

Upon completion of the self evaluation plan, if structural barriers are found, a transition plan must be developed. Similar to the self evaluation, assistance of persons or an organization knowledgeable about accessibility issues should be requested by the borrower. The transition plan at a minimum must contain the following considerations:

- An identification of the physical obstacles in the borrower's facility that limits the accessibility of its programs or activities to persons with disabilities.
- A detailed description of the methods that will be used to make the facilities accessible.
- A specified schedule for taking the steps necessary to achieve full program accessibility and if the time period of the transition plan is longer than one year, identify the steps that will be taken during each year of the transition period.
- An identification of the person responsible for implementation of the plan.

Fees can be paid from project funds to meet these requirements provided the fees are reasonable, budgeted for and the project is financially able to pay such fees.

The self evaluation must be made available for public inspection and be provided to the Agency upon request in accordance with 7 CFR Part 15b.

Agency approval of the self evaluation and transition plan is not required. It is the borrower's responsibility to comply with the laws and regulations. However, it is appropriate for the agency representative, when conducting a compliance review, to request a copy of the self evaluation and transition plan. If these have not been accomplished, the borrower will be found in non-compliance. Compliance efforts must be coordinated through the State Civil Rights Manager. Any further questions should be directed to the State Civil Rights Manager in the State Office.

/s/

JOSEPH W. NEWBILL
State Director
USDA Rural Development